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Remarks

The present response is to the Office Action mailed in the above referenced case on July 25, 2007. Claims 32-41 are standing for examination. The Examiner rejects claims 32-41 under 35 U.S.C. 103(a) as being unpatentable over Freishtat et al. (US 6,317,783) hereinafter Freishtat, in view of Dent et al. (US 6,128,603) hereinafter Dent and further in view of "Making The Smart Investment In Personal Finance Software, Working At Home" (hereinafter Working at Home).

Applicant has carefully studied the prior art references provided by the Examiner. Applicant herein argues for the removal of Freishtat as valid art. At the time of filing Freishtat on 11/13/2001, the reference was assigned to VerticalOne Corporation. Applicant points out that the assignee of the present case is Yodlee.Com at the time of filing which was 4/20/2001. Yodlee.Com acquired the Freishtat reference via a merger that was established prior to the filing of the present case. Although the assignment of Freishtat was not quite established at the time of filing the present case, the Freishtat patent was subject to assignment to Yodlee.Com. Presently, both Freishtat and the present case are assigned to Yodlee.Com. Therefore, Freishtat is commonly owned with a common inventor and the priority dates of the two are less than one year. Applicant believes that, based on this information, Freishtat is not valid prior art.

Applicant points out that the instruction to financial accounts resulting from applicant's drag & drop procedure takes place in the same order as the procedure, the financial account is instructed to pay the biller when the financial account is dropped on the bill to be paid.

Applicant argues that the art of Dent and Working at Home are desktop programs which are not capable of instructing financial accounts to pay billing accounts automatically by software, online, as claimed in applicant's invention. Therefore, there would be no motivation for one with skill in the art to incorporate their teachings to accomplish applicant's claimed invention because the programs are not capable of instructing financial institutions as a result of drag and drop operations. Dent teaches that the user pays accounts according to schedule and Working at Home performs a printing

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function at the desktop as a result of a drag and drop procedure.

The Examiner responds to the above argument stating, "The Examiner respectfully disagrees. As noted above, Working At Home teaches that the buttons allow for performing basic finance tasks, like scheduling payments and allow for bill payment by using a bill payment service (page 7, sixth paragraph under Kiplinger's heading; Examiner notes that dragging a particular account and scheduling payment provides instruction, such as to the payment service through prodigy to pay the bill)."

Applicant re-creates the portion of Working At Home, referenced by the Examiner:

"You create buttons (which is really easy to do) to represent your sources of income, your bank and credit card accounts, your investments, and the people and businesses you owe money to. For example, in the income section you might create buttons to represent your employer, interest from an account, or dividends you receive from investments. In the accounts section you might create buttons to represent your checking savings, credit card, and money market accounts. And in the payees section you might create buttons to represent things like your grocery store, the electric company, and your car loan.

Then you can manipulate your finances by dragging and dropping the buttons, Duplisea says. Drag your checking account button and drop it on the electric company button to pay your electric bill. Drag your employer button on your savings account button to deposit money or drag a finance button to a tool rack button, like the graph, check writing, search, or schedule buttons, and drop it there to perform an action.

But if you don't feel comfortable with the button interface, click on a button and enter the transaction information on a check blank or account register, like the other programs.

The buttons let you perform basic finance tasks, like printing checks, scheduling payments, alerting you of payments, or creating graphs and reports. You can also pay bills electronically using a bill payment service called BillPay USA, available through Prodigy."

Applicant points out that the Kiplinger's portion of Working At Home teaches

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that you can manipulate buttons or, if you are not comfortable with the button interface you can manually enter information on a check or in the register. Applicant points out that the buttons perform this manual task of recording events in a desktop accounting program. There is absolutely no teaching in Working At Home of instructing financial institutions as a result of drag and drop operations, as claimed.

Further, the Examiner is assuming that when a user accesses the prodigy service it will operate as claimed. Applicant believes the Examiner must provide valid art specifically teaching what applicant has claimed and not merely assume references include teachings that are not clearly stated in the references. Applicant reasserts the argument that the Examiner has failed to provide art teaching instructing financial institutions as a result of drag and drop operations, as claimed.

Applicant herein amends claim 32 to a broader state as they were earlier in the present case. The Examiner relies upon Freishtat to teach the bulk of applicant's invention including scraping sources on the network for personal information for the user. Applicant believes, with the removal of the art of Freishtat and in view of the above arguments, the claims are patentable over the remainder of the art.

As all of the claims have been shown to be patentable over the art of record, applicant respectfully requests reconsideration, and that the present case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this response, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,
Gregg Freishtat et al.

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